



POLICE DEPARTMENT

October 30, 2015

MEMORANDUM FOR: Police Commissioner

Re: Detective Conrad Crump  
Tax Registry No. 915525  
7 Precinct  
Disciplinary Case Nos. 2013-9998 & 2013-10206  
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The above-named member of the Department appeared before the Court on November 17, 2014, and July 13, 2015, charged with the following:

Disciplinary Case No. 2013-9998

1. Said Detective Conrad Crump, while assigned to the 32nd Detective Squad, on or about and between January 2013 and February 2013 failed and neglected to properly perform his assignments, to wit: after being instructed regarding making timely documentations of investigative steps, said Detective failed to timely document investigative steps.

P.G. 206-03, Page 1, Paragraph 24 – VIOLATIONS SUBJECT TO  
COMMAND DISCIPLINE

Disciplinary Case No. 2013-10206

1. Said Detective Conrad Crump, while assigned to the 32nd Precinct Detective Squad on or about July 30 to August 2, 2013, having been scheduled to perform a 1545 x 0100 tour on July 30 and July 31 and a 0800x1615 tour on August 1 and August 2, said Detective failed and neglected to appear for his scheduled tours of duty.

P.G. 203-05, Page 1, Paragraph 1 & 2 – PERFORMANCE ON DUTY – GENERAL

2. Said Detective Conrad Crump, while assigned to the 32nd Precinct Detective Squad on or about August 1, 2013, having been directed by New York City Police Sergeant Michael Seiling, Tax # 927503, to report for duty on August 1, 2013, failed and neglected to comply with said order.

P.G. 203-03, Page 1, Paragraph 3 – COMPLIANCE WITH ORDERS

3. Said Detective Conrad Crump, while assigned to the 32nd Precinct Detective Squad on or about August 1, 2013, having been directed by New York City Police Captain Jay McMahon, Tax # 916984, to report for duty on August 2, 2013, failed and neglected to comply with said order.

P.G. 203-03, Page 1, Paragraph 3 – COMPLIANCE WITH ORDERS

4. Said Detective Conrad Crump, while assigned to the 32nd Precinct Detective Squad on or about June 13, 2013, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective submitted a UF-28 requesting leave for the week of July 30 indicating that said week was his annual scheduled vacation when it was not.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT

The Department was represented by Jamie H. Moran, Esq., Department Advocate's Office. Respondent was represented by Anthony Mahoney, Esq., Cronin & Byczek LLP.

Respondent pleaded Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty.

FINDINGS AND ANALYSIS

Respondent has been a member of the Department since 1995. He was promoted to detective in 1999 after [REDACTED]. In 2004, he was transferred to the 32 Precinct Detective Squad where he worked as an investigator, handling a wide array of investigations (Tr. 46, 109-10).

At trial, Respondent claimed that he was singled out by his supervisors with regard to these charges, which allege incompetent handling of investigations and disobedience of orders

concerning his vacation. He currently has a lawsuit pending against the City for race-based employment discrimination (see RX B, summons and verified complaint).

Case No. 2013-9998

Respondent is charged with failing to timely document investigative steps while working as a detective in the 32 Detective Squad.

Lieutenant James Leo has been assigned to the 32 Squad since September 2010. Prior to his promotion on June 2, 2015, he was a sergeant who supervised about 25 detectives from five detective teams. He was responsible for monitoring investigations being performed by the detectives, including making sure that necessary investigative steps were taken and documented in the online Enterprise Case Management System (ECMS). Any investigative steps performed by a detective were to be documented in ECMS, including, but not limited to, interviewing complainants and witnesses, collection of evidence, surveying crime scenes and making arrests. Detectives were required to make entries in ECMS as often as necessary and cases should be updated the same day that the work was performed (Tr. 8-11).

Leo checked the work of his detectives within the system daily. If he found a discrepancy or other issue in a detective's case folder, Leo would send a note within ECMS to the detective indicating the issue. Leo often also would speak to the detective in person to address any investigatory issues (Tr. 11-12).

Leo was one of Respondent's direct supervisors from September 2010 to July 2013. He testified that in January and February 2013, most of Respondent's cases had no investigative work documented in ECMS. Leo testified that Respondent's failure to document the investigative steps he took was an ongoing problem over the course of time that he supervised

him. He spoke to Respondent on a number of occasions about his failure to document and update his cases within ECMS. In fact, Leo testified that Respondent had received two command disciplines for the same conduct in previous years. In order to help Respondent catch up on his workload and make the necessary documentation in each of his cases in ECMS, he was removed from the catch order, meaning that he was not assigned any new cases for a period of time (Tr. 13-15).

Leo acknowledged that Respondent received an overall rating of 4.0 "Highly Competent" on his 2011 annual performance evaluation (RX A), but that was written by a different supervisor (Tr. 49-50).

The Department presented as evidence seven ECMS printouts of cases belonging to Respondent. Each contained notes from Leo describing the deficiencies found in the case file and Respondent's subsequent failure to address the noted deficiencies (DX 8-14). Respondent acknowledged that as a detective he was expected to use ECMS to document his investigative steps. He admitted that he failed to document his steps in ECMS in a timely fashion and further admitted that he had been spoken to by a supervisor about that. He also admitted to receiving command disciplines in both 2011 and 2012 for the same conduct (Tr. 139-40, 155-56).

In his defense, Respondent, who was African American, claimed that he was being singled out by Leo, who was white, and treated differently than the other detectives in the squad, specifically with regard to his caseload, sometimes on the basis of race. Respondent testified to the high volume of cases that came into the precinct and claimed that he was penalized for having a certain number of open cases, when his counterparts who had more open cases were not penalized. For example, if his cases were not updated in a timely matter, Respondent testified, he would be told that he could not work any overtime and be removed from the catch order as

punishment. Other white detectives were allowed to come in late and their off-duty transgressions ignored (Tr. 121-24).

Respondent claimed that one particular incident proved his allegations of disparate treatment. Another supervisor, now-retired Lieutenant Robert Gibbons, demanded that a certain case be closed out ten minutes before the end of Respondent's tour. Respondent replied by saying, "It's not going to happen." He did as much as he could in those ten minutes, signed out and left. While he was on his way home, Gibbons called Respondent on his cell phone and said, "Didn't I ask you to close that f[uck]ing case before you leave?" Respondent replied by saying that his tour was over. Gibbons then started screaming at him and Respondent hung up the phone at the direction of his wife, who reminded him that he was off duty and the Department was not paying his phone bill (Tr. 49, 123).

In the Court's view, while Respondent admitted failing to timely document his investigative steps in ECMS, he failed to present any evidence to support his testimony that he was being treated differently than his counterparts. Instead, his account of being yelled at by Gibbons demonstrates an inability to follow orders and a propensity toward discourtesy to his supervisors. Allowing overtime to finish work that should have been done weeks ago would financially reward incompetence.

The tribunal also rejects Respondent's claim that being removed from the catch order was a punishment rather than an accommodation. If his supervisors wanted to punish him, they could have just piled on more work. Leo credibly testified that Respondent was removed from the catch order in an effort to help him catch up on his backlog of work. Furthermore, Respondent acknowledged that he had been spoken to by supervisors about the need to document his work in a timely fashion and received command disciplines for not doing so.

Despite multiple warnings and instructions, Respondent failed to perform the duties required of him as an investigator. Respondent's claim that he was being discriminated against and treated differently than his counterparts, without evidentiary support, is mere conjecture and this Court rejects it. Accordingly, Respondent is found Guilty.

Case No. 2013-10206Introduction

The following specifications arise from a vacation Respondent took to Florida beginning July 20, 2013. On that day, Respondent drove to Florida with his wife and mother-in-law. According to Leo, Respondent was scheduled to work but was not present for duty that day. Leo checked the command's roll call and determined that Respondent did not have a scheduled vacation day. He then called Respondent to ask him why he was not present for duty and Respondent told Leo that he had a vacation day. Leo did not find any documentation authorizing Respondent to take July 20 as a vacation day, but told him that he could take the day off, though he would be subject to a command discipline if it was discovered he had not received prior authorization from another supervisor in the command (Tr. 15-16, 158).

Leo testified that he found two Leave of Absence Reports (UF-28) that had been submitted by Respondent on June 13, 2013, requesting leave for July 24 to July 27 (DX 1) and for July 30 to August 2 (DX 2) as annual vacation picks. Both forms were approved on June 17 by Sergeant Michael Seiling.

Later, however, Leo checked the command's annual vacation selection list (DX 3) and determined that Respondent was not scheduled for annual vacation leave for July 30 to August 2. He informed Respondent on July 20 that he was not authorized to take July 30 to August 2 as

vacation. Leo noted the conversation with Respondent in both the command log and the command telephone message log (DX 5 & 6, respectively).

That same day, Leo also disapproved Respondent's '28', which had been previously approved by Seiling, indicating on the form that the dates were not Respondent's annual vacation (DX 7) (Tr. 15-16).

Respondent was not disciplined for taking an unauthorized vacation day on July 20. He denied that Leo told him he was not authorized to take July 30 to August 2 as vacation during their July 20 phone conversation.

Annual vacation picks are selected at the beginning of each year, in order of seniority. General requests for time off from work for hours or days are left to the discretion of the commanding officer, whereas annual vacation picks, once approved, are guaranteed absent extremely extenuating circumstances (Tr. 20, 37-38).

#### Specification No. 1

Respondent is charged in the first specification with failing to appear for his scheduled tours of duty on July 30, July 31, August 1 and August 2, 2013.

Seiling was assigned to the 32 Detective Squad from December 2012 to October 2013. Administrative functions were a large part of his assignment there, though he also supervised detectives on the substantive parts of their investigations (Tr. 66).

On June 17, 2013, Seiling approved two '28's submitted by Respondent requesting vacation time for July 24 to July 27 (DX 1) and July 30 to August 2 (DX 2). On each form Respondent indicated that the requested days were his annual vacation picks. Seiling testified that he approved the forms without checking the command's 2013 annual vacation selection

forms. He did so with confidence that Respondent was accurately listing his annual picks, stating "we're all adults" (Tr. 66-68).

Respondent testified that he was not aware his vacation request for July 30 to August 2 was disapproved until he received a phone call from Leo on July 30. He was unable to get back to work because he was already in Florida by the time he found out that his vacation was not approved.

Leo testified, however, that he informed Respondent he was being denied those vacation days when he spoke to Respondent on July 20. Leo documented their conversation in two command log entries, noting that Respondent was made aware that he was not authorized to take July 30 to August 2 as vacation.

This Court credits Leo's testimony that he informed Respondent on July 20 that his July 30 to August 2 vacation request was denied (Tr. 27). He contemporaneously documented the conversations in two written logs before Respondent actually violated any order. Therefore there is no reason to believe that Leo was lying in order to stack the deck against Respondent.

Even if the tribunal were to credit Respondent's testimony that he was not told until July 30 that his vacation was not approved (Tr. 136), he still chose to not appear for duty the following three days. Respondent's claim that he could not get back because he was in Florida is unconvincing. Although not ideal, Respondent was more than capable of making alternative travel arrangements in order to return to New York before he had planned originally.



Specification No. 2 & 3

Respondent is charged here with failing to comply with an order from Seiling to report for duty on August 1, 2013, and failing to comply with an order from Captain Jay McMahon, the commanding officer of the 32 Squad, to report for duty on August 2, 2013.

Seiling testified that on July 31, 2013, Respondent was scheduled to work but was not present. He contacted Respondent and informed him that he was considered absent without leave. Respondent replied by saying that his '28's had been signed and "he can't perform miracles" because he was in Florida. The following day, August 1, Respondent was again scheduled to work a day tour and was not present. At approximately 1100 hours, Seiling called Respondent again and again ordered him to come to work. Seiling further informed Respondent that failure to comply would constitute disobedience of a lawful order. Respondent replied by saying that he wanted to speak to McMahon. Seiling documented the conversation in the telephone message log (DX 6).

McMahon testified that on July 30, he received a phone call from Leo informing him that Respondent had been scheduled to begin a tour of duty at 1545 hours and was not present. On August 1, 2013, McMahon called Respondent and asked him why he had not shown up for work for the past few days. Respondent told McMahon that he had a '28' signed by a supervisor entitling him to the days as his annual vacation pick. McMahon told Respondent that two supervisors already had told him that those vacation days were not approved. According to McMahon, Respondent conceded that Leo said the days were denied, but felt he still was entitled to the days. McMahon ordered Respondent to be present for his next scheduled tour of duty the following day, August 2, 2013, at 0800 hours. Respondent replied by saying that he could not come in the next day because he was in Florida (Tr. 83-84).

At trial, Respondent he admitted that he was ordered to come to work by both Seiling and McMahon and did not follow those orders (Tr. 136, 138). Respondent's only defense was that by the time he was notified that he was not authorized to take July 30 to August 2 as vacation days, he was already in Florida and therefore unable to make it back.

Specification No. 4

In the fourth specification, Respondent is charged with requesting leave for the week of July 30, 2013, and indicating that said week was his annual scheduled vacation when it was not. Senior Police Administrative Aide Aleatha Black has worked in the 32 Squad for about 13 years. She was responsible for handling a number of administrative tasks within the command, including keeping track of the vacation schedules (Tr. 91).

At the beginning of each year, Black distributed an annual vacation selection form to the members of the command. Members were to choose in writing their annual vacation picks for that year in order of seniority. Once each member had done so, Black created a typed version and gave it to the commanding officer for approval. One of the purposes of the form was to ensure that there would be sufficient coverage within the command at all times (Tr. 91, 97-98).

Black testified that Respondent approached her sometime in June 2013 and told her that he wanted to take the week of July 30, 2013, as his annual vacation. According to Black, at the time there was a detective who was scheduled for vacation that week, but was going to be retiring and therefore would not be using that time. Black told Respondent to write his name next to the week he wanted on the annual vacation selection sheet so that she would remember he was interested in that particular week. Black kept the selection sheet with Respondent's name handwritten in for the week of July 30 with the rest of her files and did not forward it to anyone.

Nevertheless, Black could not authorize the time off herself. Respondent needed the approval of a supervisor to take that time. "[H]e knows that." (Tr. 93-94, 97).

Respondent testified that after speaking to Black about his annual vacation pick, he submitted a '28' for the week of July 30, 2013, indicating that the week would be annual vacation. He testified that he did not speak to a supervisor before submitting the request because "[t]here was no need for [him] to do that." Yet he acknowledged that the Patrol Guide requires members to receive approval from their commanding officer in order to change annual vacation picks (Tr. 135-37). See Patrol Guide § 203-19 (17).

### Conclusion

This Court finds that the Department adequately met its burden proving Respondent's guilt in the above mentioned four specifications. The evidence at trial demonstrated that Respondent was told on July 20, 2013, by Leo that he was not authorized to take annual vacation leave from July 30 to August 2. When Respondent did not show up for his scheduled tour on July 30, he was ordered to appear for duty and told that if he failed to do so he would be considered AWOL.

Respondent's claim that he was unable to "perform miracles" by returning from Florida in order to be present for duty is insufficient. Respondent was more than capable of making arrangements to return home from Florida as soon as humanly possible. He instead deliberately chose not to return to work after being ordered to do so by two separate supervisors. The fact that he drove down with his wife and mother-in-law did not render him incapable of making other faster travel arrangements for his return.

Furthermore, that Respondent felt he was entitled to those days as vacation days because his leave request forms had originally been approved is immaterial. He submitted the '28's knowing that he needed commanding officer approval first before changing annual vacation picks. Seiling credibly testified that he took Respondent's word for it that the dates in question were his annual pick. Respondent essentially took advantage of a supervisor's good faith.

In sum, Respondent is found Guilty of these four specifications.

### PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222 (1974). Respondent was appointed to the Department on June 30, 1995. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent's failure to timely document the steps taken in his investigations after repeated verbal and written instructions to do so demonstrates a willful lack of respect for his position as an investigator with this Department. See Case No. 85244/09 (July 19, 2011) (officer with no prior disciplinary record forfeited 15 vacation days and was placed on one year dismissal probation for twice failing to comply with orders to conduct computer checks as part of investigative assignment and for being absent from assignment without permission).

Being AWOL even for a short period of time in a paramilitary organization such as this amounts to serious misconduct. See Case No. 2012-7175 (Dec. 27, 2012) (officer with no prior record forfeited 25 days for failing to report for a mandatory overtime assignment, asserting that she was unable to find child care); Case No. 2010-2249 (June 19, 2012) (20 days for officer with no prior record and otherwise excellent attendance for being AWOL for full tour due to heavy

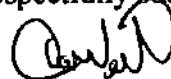
snowstorm at Orange County residence); *Case No. 2010-2306* (May 23, 2012) (officer with one prior adjudication for serious misconduct forfeited 30 days for failing to appear for overtime assignment [as well as improper activity log entry]).

The Department recommended as a penalty that Respondent forfeit the 30 days he served on suspension without pay, plus the time and leave balances for the time Respondent was suspended with pay (153 days), and be placed on one year of dismissal probation.

Respondent has been transferred from the 32 Squad and now is assigned to patrol in a different precinct (Tr. 127). He no longer is responsible for conducting the types of investigations which were the subject of this trial. And the imposition of a penalty involving the removal of time and leave balances is ultra vires. See Administrative Code § 14-115 (a). Such a penalty is more suited to a plea offer. In any event, the Court finds the forfeiture of 30 pre-trial suspension days and one year dismissal probation sufficient to address Respondent's misconduct.

Accordingly, the Court recommends that Respondent be *DISMISSED* from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Administrative Code § 14-115 (d), during which time he is to remain on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. The Court further recommends that Respondent forfeit the 30 days he previously served on suspension in this matter.

Respectfully submitted,



David S. Weisel

Assistant Deputy Commissioner – Trials

APPROVED

FEB 18 2016  
WILLIAM J. BRATTON  
POLICE COMMISSIONER

POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
DETECTIVE CONRAD CRUMP  
TAX REGISTRY NO. 915525  
DISCIPLINARY CASE NOS. 2013-9998 & 2013-10206

Respondent received an overall rating of 4.0 “Highly Competent” on his 2013 annual performance evaluation. He received an overall rating of 2.5 “Below Competent” on two interim evaluations in 2011 and 2012. [REDACTED]

[REDACTED]. He has been awarded one medal for Excellent Police Duty.

In 2003, Respondent forfeited 30 vacation days for failing to safeguard his off duty firearm. He was suspended from duty from August 5, 2013, to February 4, 2014, as a result of the charges and specifications in this case.

For your consideration.

David S. Weisel  
Assistant Deputy Commissioner – Trials